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MEMO ENDORSED

February 26, 2020

VIA ECF

Hon. Edgardo Ramos
United States District Judge
United States District Court for the Southern District of New York
40 Foley Square, Courtroom 619
New York, NY 10007

**Re: *Dominguez v. Marshalls of MA, Inc.*,
Civil Action No.: 1:19-cv-10626 (S.D.N.Y.)**

Dear Judge Ramos:

This Firm represents Defendant Marshalls of MA, Inc. ("Marshalls" or "Defendant") in the above-referenced matter. We have conferred with Plaintiff's counsel and write, with Plaintiff's concurrence, to jointly request that the Court: (1) cancel the pre-motion conference scheduled for February 28, 2020, (2) set a briefing schedule for Defendant's forthcoming Motion to Dismiss in light of Plaintiff's forthcoming amendment of the Complaint; and (3) stay of discovery pending a decision on the Motion to Dismiss.

By way of background, Defendant filed a pre-motion letter with the Court on February 11, 2020 (ECF No. 11), and Plaintiff filed his response on February 14, 2020 (ECF No. 13). The Court has scheduled the pre-motion conference for this Friday, February 28, 2020 at 11:30 a.m. (ECF No.15).

The parties have conferred regarding their pre-motion correspondence and Defendant's anticipated Motion to Dismiss. Plaintiff intends to amend the Complaint, including to name additional parties, and Defendant consents to the amendment pursuant to Fed. R. Civ. P. 15(a)(2). Defendant anticipates that it will renew its Motion to Dismiss directed at the allegations and claims in the Amended Complaint.

The parties understand that the Court would normally hold a pre-motion conference when a pre-motion letter has been filed. However, given the number of these gift card lawsuits on the Court's docket and the Court's likely familiarity with the issues, the parties request that the Court dispense with the pre-motion conference to conserve resources and enter the proposed briefing schedule set forth below, which takes into account Plaintiff's forthcoming amendment. The parties propose the following schedule for briefing and anticipated amendment of the pleadings:

- Plaintiff's deadline to file his First Amended Complaint (FAC): March 11, 2020
- Defendant's deadline to file a Motion to Dismiss the FAC: April 13, 2020
- Plaintiff's deadline to file his Opposition to Defendant's Motion to Dismiss the FAC: May 13, 2020
- Defendant's deadline to file its Reply in support of its Motion to Dismiss the FAC: June 3, 2020

The requested relief will save the Court and the parties the expenditure of potentially unnecessary resources in holding the pre-motion conference and conducting any discovery, as Defendant's anticipated motion, if granted, would be fully dispositive of Plaintiff's claims. Alternatively, if the Court would like to hold a pre-motion conference, then the parties respectfully request that the conference scheduled for February 28, 2019 be adjourned until after Plaintiff files his FAC.

This is the first such request, which will not affect any other scheduled dates. We thank the Court for its time and attention to this matter, and for its consideration of this application.

Respectfully submitted,

SEYFARTH SHAW LLP

/s/ John W. Egan

John W. Egan

cc: All counsel of record (via ECF)

The application is X granted
 denied



Edgardo Ramos, U.S.D.J.

Dated: Feb. 27, 2020

New York, New York